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Mail Stop Amendment
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Re: Appl. Serial No.: 10/700,408 : Attorney Docket No.: 2652.03

Filing Date: 09/24/99 : Officer : Jon Hadidi

Applicant: Brigit Ananya : Art Unit: 2672

Title: COMPUTER CURVE CONSTRUCTION SYSTEM II

Sir:

Transmitted herewith for filing is **APPLICANT'S 1ST RESPONSE AMENDING APPLICATION**

Response (22 pages)
Petition for Extension of Time for Responses in Duplicate

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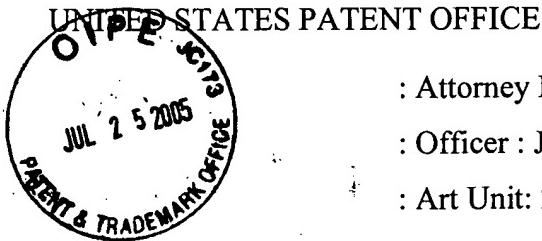
Very truly yours,

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enc.



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Commissioner of Patents
Washington D.C. 20231**APPLICANT'S 1ST RESPONSE AMENDING APPLICATION**

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DEAR COMMISSIONER:

OPENING REMARKS

15 Responding to the rejections made in the action of Examiner Jon Hadidi, the Applicant understands, appreciates but rejects the Examiner's concern that her application describes and claims subject matter outside the scope of that expressed in 35 U.S.C. § 101.

In particular for a rejection to be premised upon 35 U.S.C. § 101, the Examiner has '*the burden to establish a prima facie case that the claimed invention as a whole is directed to solely an abstract idea or to manipulation of abstract ideas or does not produce a useful result.*' [See MPEP § 2106 II, A, 7th ¶]20 In fact, according to MPEP § 2106 II, A, 7th paragraph, a claim should not be rejected under 35 U.S.C. 101 unless it is devoid of any limitation to a practical application in the technological arts inviting a comparison of *Musgrave*, 431 F.2d at 893, 167 USPQ at 289 and *In re Foster*, 438 F.2d 1011, 1013, 169 USPQ 99, 101 (CCPA 1971).25 Finally, MPEP § 2106 II, A, 7th paragraph, urges that 'when such a rejection is made, Office personnel must expressly state how the language of the claims has been interpreted to support the rejection.'

Examiner Haddi's simple conclusion that "Claims 1-14 are directed towards (sic) a method which consists solely of the manipulation of abstract ideas" sadly does not measure up to the standard set for such rejections as enunciated in the MPEP, by applicable law or in fact.

In U.S. Patent No. 6,441,823, *B. Ananya*, the Applicant specified geometric constraints for a novel class of computer generated two-dimensional, curves respectively termed, and defined as peak-point curves, point-point curves, point-tangent curves, point curves and curvature curves. To complete the mix, the Applicant in that patent, integrated computer constructed circular arcs and straight lines into her system 5 of computer generated curves there presented.

On page one in the Background of Invention-Field of Invention of her present application [Spec. p.1, ll 10-14], the Applicant describes her invention as presenting ‘additional embodiments of the “Curve Construction System” described in U.S. Patent No. 6,441,823, where the chosen curves are conical sections.’

The point of the Applicant’s invented Computer Curve Construction System II is to provide 10 computer graphic designers with greater predictive and intuitive control over factors or features that shape or determine a particular curve they wish to draw, display and/or present. The approach taken as in U.S. Patent No. 6,441,823 is to facilitate tangible expression of two dimensional curves using a computer, rather than accurately modeling three dimensional objects in two dimensions. In other words, the Applicant’s 15 Computer Curve Construction System II enables graphic artists, intuitively, to predictably create artistically pleasing, smooth curves connecting two or more points in two dimensions using a computer. It also allows computer graphic artists and creators to easily accurately trace images of three-dimensional objects tangibly expressed in two dimensions with smooth curves connecting two or more points.

The point of the computer implemented methodology invented by the Applicant is that it provides 20 computer implemented curve construction tools for skilled (and unskilled) computer design artisans, that enables such artisans to easily create and express smooth continuous two dimensional curves for graphics applications and digital image creation. Its utility resides in font creation and tangible expression of 25 pleasing, but not necessarily accurate nor visually believable imagery defined by smooth continuous curves in two dimensions. [See Appendix 1, a PDF printout of the home page of Ananya Systems, Inc., Applicant’s company, published at <http://www.ananya.com/index.html>.]

Another issue raised by the Examiner Hadidi's action is the perplexing absence of an analysis of the patentability of the subject matter presented in Claims 1-5 and 7-12 under the statutory standards expressed at 35 U.S.C. § 102 and 35 U.S.C. § 103

In this amendment, the Applicant amends her original claims to more explicitly reflect the utility of her computer implemented steps for constructing and tangibly expressing two-dimensional curves. To be sure, like all methods, Applicant's invented methods as claimed, depend upon the interrelationship and manipulation of abstract ideas, mathematical concepts and algorithms to allow computer users to easily create, and tangibly express imagery in two dimensions with their computers. In today's evolving world of digital expression of images for web page publications, for computer animations, for computer games, and for computer assisted designs (CAD), computer implemented curve-drawing tools are definitely useful.